



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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August 6, 2020

**VIA ECF**

The Honorable Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

**MEMO ENDORSED**

Re: Kathy Camacho, et. al. v. City of New York, et. al., 19 CV 11096 (DLC)

Your Honor:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. I write jointly with plaintiffs' counsel to respectfully request that discovery be stayed herein through September 18, 2020, with the exception of defendants' testing of the subject books/magazines by a private laboratory, Ascertain Forensics, which will proceed.

Since the last court conference of February 28, 2020, the parties have engaged in substantial written discovery and motion practice, despite the pandemic. The parties believe that at this juncture that settlement should be explored. Counsel for the parties had a telephonic pre-settlement scheduling conference with the assigned Magistrate Judge this morning, Magistrate Judge Wang, and a full telephonic settlement conference has now been set for September 14, 2020, at 2:30 p.m. Given that there are six named plaintiffs in this lawsuit, the parties wish to focus on settlement through the scheduled settlement conference.

One issue that came up at the last pretrial conference of February 28, 2020, was testing of the subject books and magazines which are believed to be in possession of the NYPD Property Clerk. When counsel for the parties met and conferred as the pandemic began, plaintiffs' counsel indicated that they felt the need for retesting was premature in light of documents in the NYPD Laboratory's possession as to testing already performed by the NYPD Laboratory, though defendants' counsel had not had the opportunity to discuss that assertion with

a consultant. (Docket 86) After extensions granted by the Court due to the pandemic, the City produced the NYPD Laboratory documents on May 18, 2020 to plaintiffs' counsel. I was only recently able to discuss the testing issue with a consultant and the City has decided that it does want to have the evidence tested by Ascertain Forensics. Plaintiffs have no objection to the testing being performed. As it will take some time to get the test results, the parties believe that the best course is to proceed with the settlement conference before Magistrate Judge Wang on September 14<sup>th</sup>.

Based on the foregoing, in the interest of judicial economy, and to preserve resources, the parties respectfully request to stay discovery of this matter through September 18, 2020.

Thank you for your consideration herein.


Respectfully submitted,

/s/ Mark D. Zuckerman

Mark D. Zuckerman  
Senior Counsel

cc: All Counsel (via ECF)

Granted. Discovery, with the exception of retesting of the reading materials at issue in this case by Ascertain Forensics, is stayed until **September 18, 2020**. 8.07.2020.

  
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DENISE COTE  
United States District Judge